


## OPENING AN ADVERSARY PROCEEDING

- Step 1:** Prepare your complaint for filing and convert to PDF file – See instructions previously in User Guide. You do not need to file a cover sheet with adversary proceedings filed through CM/ECF. You will file a summons after the adversary proceeding is filed using a separate event. Instructions for preparing and docketing the summons are included later in this Guide.
- Step 2.** Log into CM/ECF using procedure stated previously in this User Guide. Click on the **Adversary** hyperlink in the **CM/ECF Main Menu Bar**.
- Step 3.** Click on **Open an AP**. You will get the following screen:



CM/ECF Bankruptcy

**Open Adversary Proceeding**

Case type

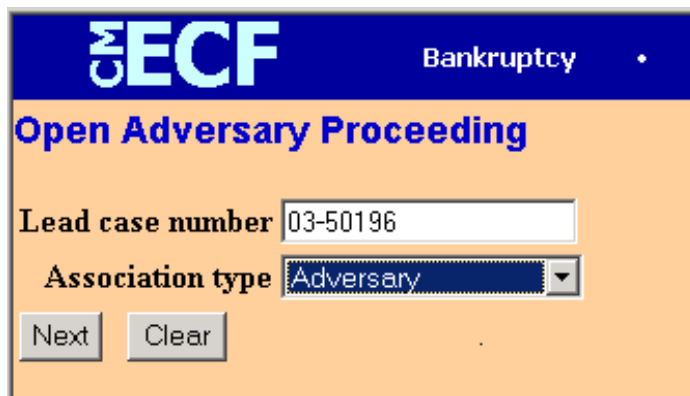
Date filed 3/31/2003

Complaint

There is only one case type: **ap** for adversary proceeding.

Adversary proceedings are almost always initiated by filing the complaint. An adversary can be opened upon the transfer of a case removed or transferred from another court, but these will be opened by court staff.

Click on **Next**. You will get this screen:



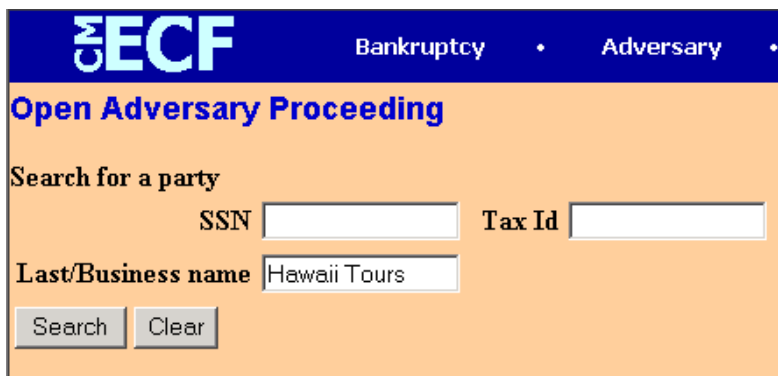
CM/ECF Bankruptcy

**Open Adversary Proceeding**

Lead case number

Association type

**Step 4:** Enter the case number of the bankruptcy case which is associated with the adversary proceeding you are filing in the box labeled **Lead case number**. The association type will always be **Adversary**. Then click **Next**. You will get a screen which will tell you that the adversary is located in Honolulu and will give you the judge assigned to the case. Click **Next**. You will get the following screen:

The screenshot shows a web interface for the Eastern District of Hawaii's ECF system. At the top is a blue header with the ECF logo and the text 'Bankruptcy • Adversary •'. Below the header, the title 'Open Adversary Proceeding' is displayed in blue. The main area is orange and contains a search form. The form has the heading 'Search for a party' and three input fields: 'SSN', 'Tax Id', and 'Last/Business name'. The 'Last/Business name' field contains the text 'Hawaii Tours'. Below the input fields are two buttons: 'Search' and 'Clear'.

**Step 5:** This screen is asking you to search for the name of a party to the case. The search criteria must be exact. Use the Social Security Number or Tax ID number if you have either. If you get no result, use the last name of the person or the business name. When the information is entered, Click on **Search**.

If there are matching names in the database you will get a list of the matching names. If you find a party with the same name, click on the name to highlight it. A dialog box will appear which will give you the name, address and social security number or tax identification number of the party. If the party you are seeking is listed, then click on the **Select Party from List** button. If the address of this party has changed you will be given a chance to correct the information on the Party Information screen which will appear next. Be sure to add attorney information to identify the party's attorney at this time. If you represent the party you need to add yourself as the attorney. If the party appears to be the same but the name is somewhat different than the name on the petition, then click on the button which says **Create New Party**.

In most cases you will not find the person or business for which you are searching. In such a case you will get the following screen:

ECF Bankruptcy

Search for a party

SSN  Tax Id

Last/Business name

Search Clear

Party search results

No person found.

Create new party

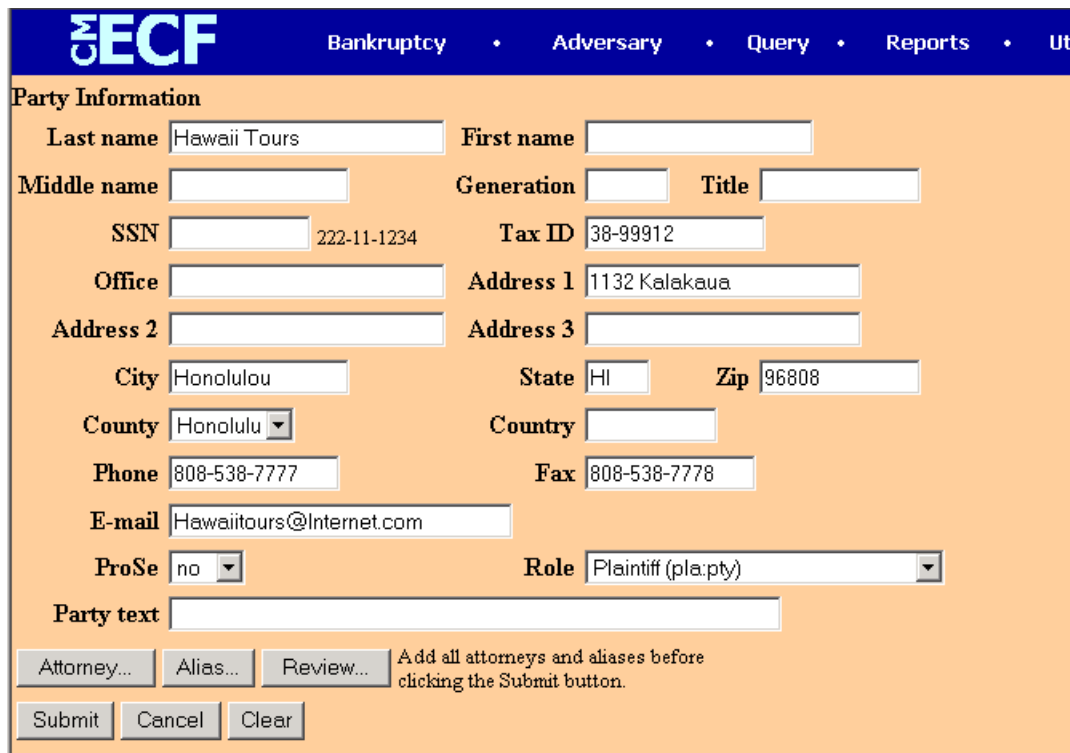
**Step 6:** Click on **Create new Party**. You will get the Party Information screen which you will need to complete. Note – Please select the proper **Role Type** from the menu.

**Attorney Designations** – You must designate yourself as the attorney for each plaintiff whom you are representing and you should add attorneys for other parties if you know that the attorney will be representing the party in the adversary proceeding.

You may be filing an adversary against a debtor who is represented by an attorney in the bankruptcy case. That attorney may – or may not – have agreed to represent the debtor if an adversary proceeding is filed in the case, but the court makes the assumption that the attorney will represent the debtor/defendant unless and until a Statement of Non-Representation is filed with the court. [There is an specific event for this document in CM/ECF. Click on Adversary Proceeding on the blue menu bar, then click on “Miscellaneous Documents” and enter the case number of the case. You will then get a pick list of events in this section. Choose “Statement of Non-Representation in Adversary Proceeding.”] Therefore, the attorney must be added by clicking on the **Attorney** button at the bottom of this screen. CM/ECF does not automatically associate the debtor’s bankruptcy attorney with the debtor in the adversary proceeding.

**NOTE!** FRBP 7004(b)(9) requires service of the summons and complaint upon the debtor and the debtor’s attorney, whether or not the attorney will be representing the debtor in the adversary proceeding.

The **Party Information** screen is displayed on the next page.



The screenshot shows the 'Party Information' form in the ECF system. The form is titled 'Party Information' and is set against an orange background. It contains various input fields for party details. The 'Last name' field is filled with 'Hawaii Tours'. The 'First name' field is empty. The 'Middle name' field is empty. The 'Generation' field is empty. The 'Title' field is empty. The 'SSN' field is filled with '222-11-1234'. The 'Tax ID' field is filled with '38-99912'. The 'Office' field is empty. The 'Address 1' field is filled with '1132 Kalakaua'. The 'Address 2' field is empty. The 'Address 3' field is empty. The 'City' field is filled with 'Honolulu'. The 'State' field is filled with 'HI'. The 'Zip' field is filled with '96808'. The 'County' field is a dropdown menu with 'Honolulu' selected. The 'Country' field is empty. The 'Phone' field is filled with '808-538-7777'. The 'Fax' field is filled with '808-538-7778'. The 'E-mail' field is filled with 'Hawaiitours@Internet.com'. The 'ProSe' field is a dropdown menu with 'no' selected. The 'Role' field is a dropdown menu with 'Plaintiff (pla:pty)' selected. Below the form fields is a 'Party text' field. At the bottom of the form are three buttons: 'Attorney...', 'Alias...', and 'Review...'. To the right of these buttons is a note: 'Add all attorneys and aliases before clicking the Submit button.' Below the buttons are three more buttons: 'Submit', 'Cancel', and 'Clear'.

ECF Bankruptcy • Adversary • Query • Reports • Ut

**Party Information**

Last name  First name

Middle name  Generation  Title

SSN  Tax ID

Office  Address 1

Address 2  Address 3

City  State  Zip

County  Country

Phone  Fax

E-mail

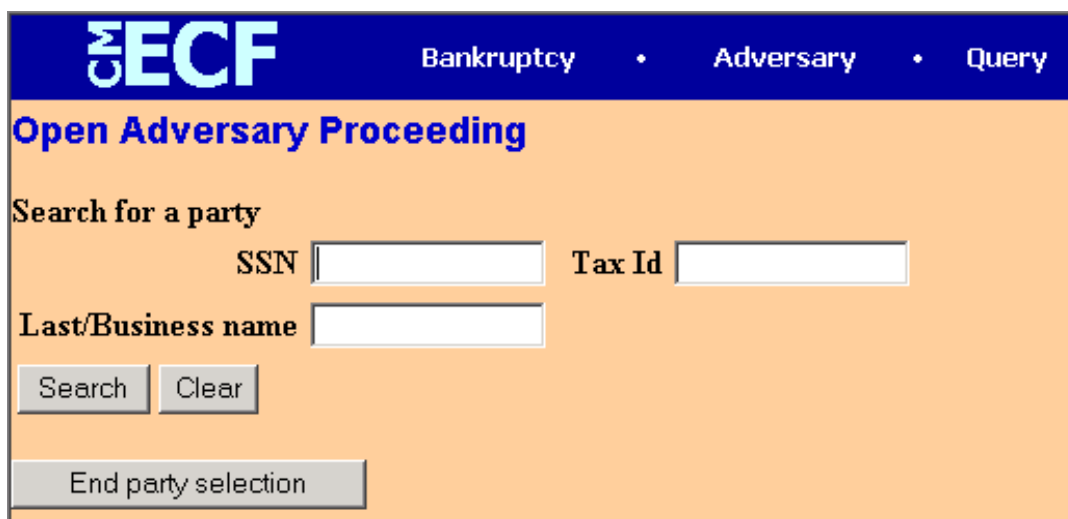
ProSe  Role

Party text

Attorney... Alias... Review... Add all attorneys and aliases before clicking the Submit button.

Submit Cancel Clear

**Step 7:** When you have completed the form, added any a/k/a's or d/b/a's and added the appropriate attorney, click on **Submit**. Note! You only need to give us the Name, Address and Role Type of this party. You will then see this screen:



The screenshot shows the 'Open Adversary Proceeding' search screen in the ECF system. The screen has a blue header with the ECF logo and the text 'Bankruptcy • Adversary • Query'. Below the header is a section titled 'Open Adversary Proceeding'. Under this title is a section titled 'Search for a party'. This section contains three input fields: 'SSN', 'Tax Id', and 'Last/Business name'. Below these fields are two buttons: 'Search' and 'Clear'. At the bottom of the section is a button labeled 'End party selection'.

ECF Bankruptcy • Adversary • Query

**Open Adversary Proceeding**

**Search for a party**

SSN  Tax Id

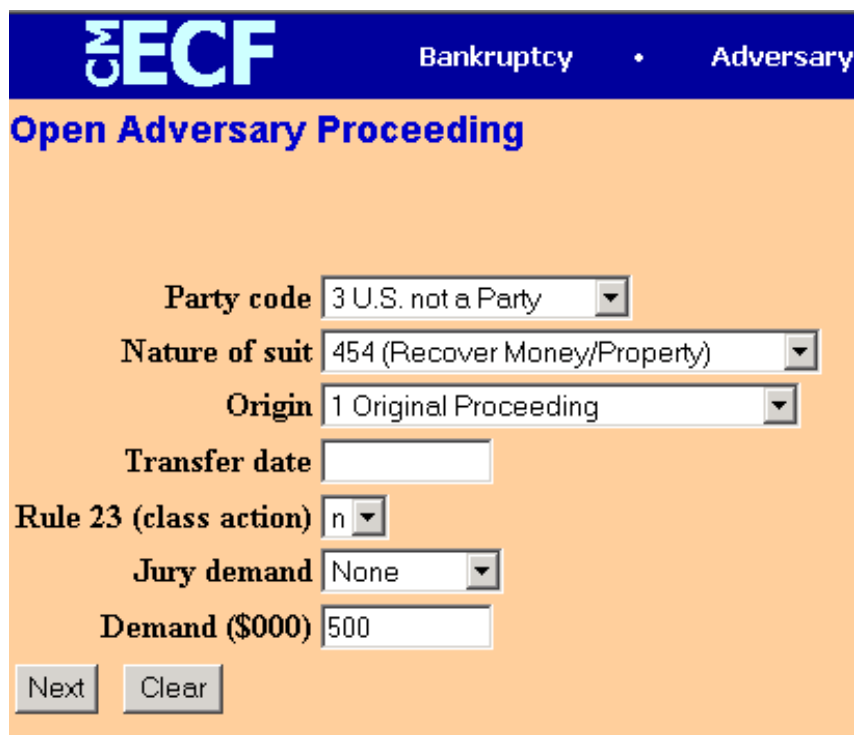
Last/Business name

Search Clear

End party selection

If there are more parties to add, search for the names and add them. This is done in exactly the same manner for each of the parties added to the adversary. It is very important that you pick the proper designation for the parties [e.g., plaintiff, defendant, third party plaintiff, etc.,] from the **Role Type** box.

**Step 8:** When you have entered all parties and associated attorneys, click **End Party Selection**. You will get this screen with these selections:

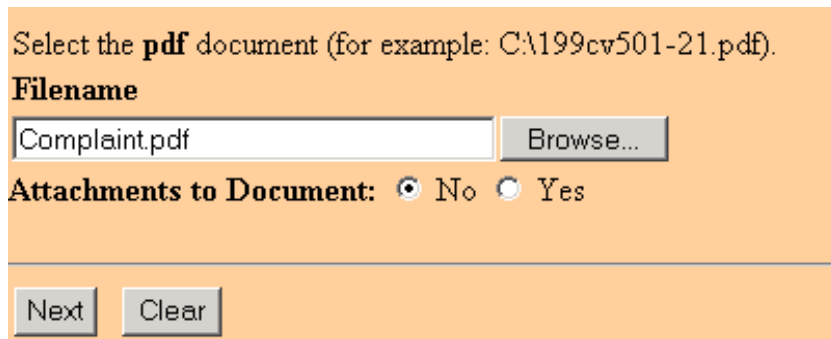


The screenshot shows the 'Open Adversary Proceeding' form in the ECF system. The form has a blue header with the ECF logo and the words 'Bankruptcy' and 'Adversary'. The form itself has an orange background. It contains several dropdown menus and text input fields. The 'Party code' dropdown is set to '3 U.S. not a Party'. The 'Nature of suit' dropdown is set to '454 (Recover Money/Property)'. The 'Origin' dropdown is set to '1 Original Proceeding'. The 'Transfer date' field is empty. The 'Rule 23 (class action)' dropdown is set to 'n'. The 'Jury demand' dropdown is set to 'None'. The 'Demand (\$000)' text input field contains the number '500'. At the bottom of the form are two buttons: 'Next' and 'Clear'.

Party code	3 U.S. not a Party
Nature of suit	454 (Recover Money/Property)
Origin	1 Original Proceeding
Transfer date	
Rule 23 (class action)	n
Jury demand	None
Demand (\$000)	500

Next Clear

Enter the information as requested, but always leave the transfer date blank. Note that the money demand is in thousands of dollars. For a demand of \$500,000 enter 500 – **NOT** 500,000. Click on **Next**. You will get this screen:



The screenshot shows a screen for selecting a PDF document. It has an orange background. At the top, it says 'Select the pdf document (for example: C:\199cv501-21.pdf)'. Below this is a section labeled 'Filename' with a text input field containing 'Complaint.pdf' and a 'Browse...' button. Below the filename section is a section labeled 'Attachments to Document:' with two radio buttons: 'No' (which is selected) and 'Yes'. At the bottom of the form are two buttons: 'Next' and 'Clear'.

Select the pdf document (for example: C:\199cv501-21.pdf).

Filename

Complaint.pdf Browse...

Attachments to Document: ☒ No ☐ Yes

Next Clear

**Step 9:** Either type in the name and path of the PDF file you are attaching or use the Browse button to find the proper file. When opening a new adversary proceeding this is most likely to be a complaint. **Do NOT attach the summons** to this complaint. This will be done once the adversary is opened.

Click **Next** and this screen will appear:

This event requires payment of a fee using the U.S. Treasury credit card program. A subsequent screen will ask you to Pay Now or Continue Filing. If you choose Continue Filing, you must select Pay Now after a subsequent filing event by 9:00 PM on the same calendar date or by selecting Internet Payments Due under Your Account in the Utilities menu.

Note: If the Plaintiff is the Debtor or if the Trustee is requesting deferral of the payment, enter 0.0 as the fee amount.

Fee: \$150

Next

Clear

**Step 10:** Pay, Waive or Defer the Filing Fee

- C If the plaintiff is required to pay a filing fee, then click on **Next**.
- C A debtor [and in some cases a child support creditor] is not required to pay the filing fee for an adversary proceeding. If no fee is required, then change the fee from \$150 to 0.0 and click on **Next**.
- C A trustee may defer payment of the filing fee if the trustee has no money in the estate from which to pay the fee. If this is the case, the trustee should change the fee to 0.0 and when the adversary filing is complete, the trustee should docket the **Request to Defer Filing Fee** which is included in the Trustee/US Trustee event menu. Click **Next**.
- C You will get a blank screen. Click **Next** again. You will get this screen:

**MECF** Bankruptcy • Adversary • Query • Reports • Utilities • L

**Open Adversary Proceeding**

Docket Text: Final Text

ADVERSARY PROCEEDING OPENED. 454 (Recover Money/Property): Complaint by Robert Lewis Long II, Mary Lynne Long, Hawaii Tours against Central Pacific Airlines, Inc.. Fee Amount \$150. (Attorney, MVA)

**Attention!!** Submitting this screen commits this transaction. You will have no further opportunity to modify this submission if you continue.

Next Clear

**Step 11:** This is the **Final Docket Text** screen. If the docket text is correct, then click on **Next**. If the docket text is not correct, you can correct it only by going back to the screen where the incorrect information was added and making the correction on that screen. Use the Back Button on your browser to get to the screen that you need. Once entered, all subsequent screens will need to be completed again to arrive back at the **Final Docket Text Screen**.

**Step 12:** If you accepted the final docket text you may get the following screen which lists any filing fees that are owing and have not been paid on this date:

Summary of current charges:		
Date Incurred	Description	Amount
2003-04-09 10:45:58	Complaint(03-70019) [cmp,cmp] ( 150.00)	\$ 150.00
		<b>Total: \$ 150.00</b>
<div><input type="button" value="Pay Now"/> <input type="button" value="Continue Filing"/></div>		

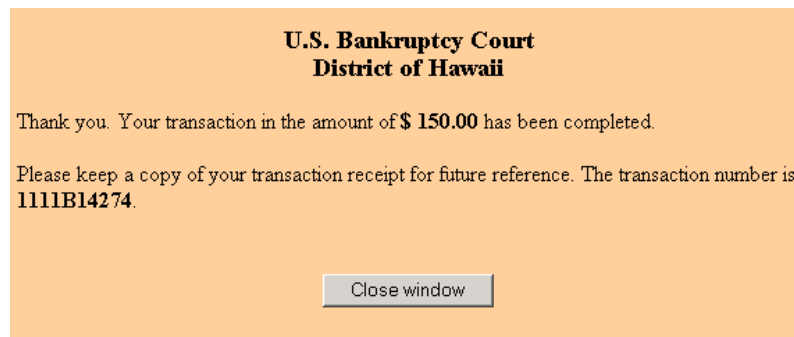
**Step 13:** If you have more documents to file and will incur more fees, you may wish to pay all fees later at one time, click on **CONTINUE FILING**.

If you wish to pay the fees due, then click on **PAY NOW**. You will get a screen which will permit you to enter your credit card information and charge the fees to this card.

Please enter your credit card information below:

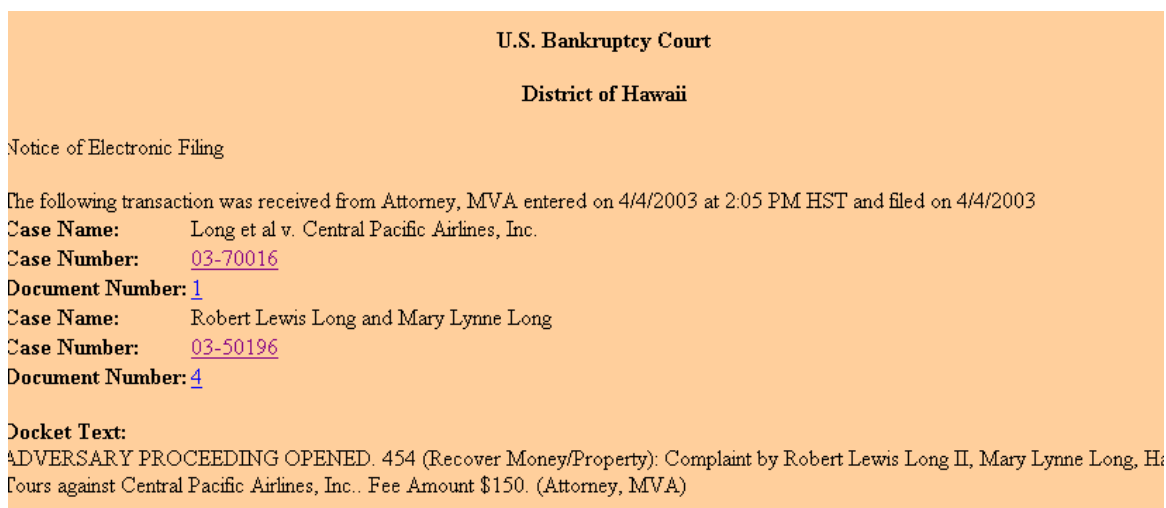
Name:	MVA Attorney
Total:	\$150.00
Card Type:	<input type="text" value="Visa"/>
Card Number:	<input type="text"/>
Expiration Date:	<input type="text" value="04"/> <input type="text" value="2003"/>
<input type="button" value="Submit Payment"/>	

Click on **Submit Payment**. You will get the screen on the next page.



Print this receipt for your files. Click on **Close window**.

**Step 14.** You will get this screen which acknowledges the filing of the adversary proceeding:



## PROCEDURE FOR ISSUANCE AND FILING OF A SUMMONS

You are now ready to issue and docket the summons which will need to be served with the complaint in your adversary proceeding.

**Step 15:** You must get a time and date for the scheduling conference. You have two options:

1. Send an email message to the court and ask for a time and date. Use this address: [Calendar@hib.uscourts.gov](mailto:Calendar@hib.uscourts.gov)

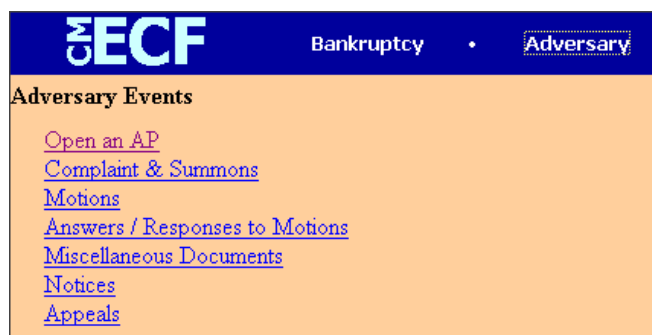


2. Call Ori Vegas at 808-522-8100 Ext. 111 . If she is not available, call Neal Maeshiro at the same telephone number, extension 110.

**Step 16:** When you have received a time and date for the conference, you will need to prepare a summons form. The form is available on our web site: [www.hib.uscourts.gov](http://www.hib.uscourts.gov) in the **Forms** directory under **National Forms**. The form is in a fillable PDF format. This means that you can now enter the information into the form. NOTE! You are not required to submit this to the court to have the summons "issued." You may prepare and docket the summons and it will be deemed issued when docketed. You may serve the copies which you will print.

can You now have two options: If you have the full version of Adobe Acrobat, you save the PDF file to a directory on your computer. The summons form with the information which you entered will be saved and can be attached to the docket entry you will create in the future. If you only have Adobe Reader then you will not be able to save the form in this manner. You must print the form and then scan it and save the file that is created to your directory for later attachment to the docket text.

**Step 17:** Log in to CM/ECF. Click on **Adversary** in the blue menu bar. You will get the following menu:



Click on Complaint and Summons. The screen on the following page will open.

**Complaint/Summons**

Case Number

03-70016 99-12345, 1:99-bk-12345 or 1:99-bk-12345

Next Clear

**Step 18:** Enter the relevant adversary proceeding number. [Do not enter the BK case number]. Click on **Next**.

**Complaint/Summons**

03-70016 Long et al v. Central Pacific Airlines, Inc.

Certificate of Service of Summons  
Complaint  
Counterclaim  
Crossclaim  
Notice of Removal  
Registration of Foreign Judgment  
Summons (AP)  
Third-Party Complaint

Next Clear

This screen will appear.

Click on **Summons (AP)** to highlight it.

Then click on **Next**.

You will get this screen:

**Complaint/Summons:**

03-70016 Long et al v. Central Pacific Airlines, Inc.

Select the **pdf** document (for example: C:\199cv501-21.pdf).

Filename

Summons2.pdf Browse...

Attachments to Document: ☒ No ☐ Yes

Next Clear

- Step 19:** You now need to attach the Summons PDF file to the docket entry. Enter the file name and path or the summons which you previously saved as a PDF file or browse to the file. Click on the file name to enter it into the space. Click on **Next**.
- Step 20:** You will get a screen telling you to enter each defendant who will be served with the summons. Click on **Next**. You will get the following screen:

**Complaint/Summons:**  
03-70016 Long et al v. Central Pacific Airlines, Inc.

Select the party **served**.

**Summons Issued on**

**Select the Party:**

Central Pacific Airlines, Inc., [Defendant] [Add/Create New Party](#)  
Hawaii Tours, [Plaintiff]  
Long, Mary Lynne [Plaintiff]  
Long, Robert Lewis II [Plaintiff]

Click on the name of the defendant to highlight the name. If there are multiple defendants, you can hold down the Control Key and click on all of the defendants to add them. Click on **Next**.

- Step 21:** You will see this screen:

**Complaint/Summons:**  
03-70016 Long et al v. Central Pacific Airlines, Inc.

**Enter date summons issued and date answer is due**

Central Pacific Airlines, Inc. - Date summons issued:  Date answer due:

If you are docketing a summons which you created and which you are now attaching, the date will always be today's date. Enter in the following format: mm/dd/yy - example: 04/03/03. Click **Next** and you will get the screen on the next page.

**Complaint/Summons:**  
[03-70016 Long et al v. Central Pacific Airlines, Inc.](#)

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**Scheduling Conference Information:**

Scheduling Conference Date:  Time:  ☐ AM ☒ PM

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**Step 22:** Enter the Scheduling Conference date and time. Click **Next**. You will get a blank screen. Click **Next** again. You will get the **Final Docket Text Screen**.

**Complaint/Summons:**  
[03-70016 Long et al v. Central Pacific Airlines, Inc.](#)

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**Docket Text: Final Text**

Summons and Notice of Scheduling Conference in an Adversary Proceeding -  
Summons Issued on: Central Pacific Airlines, Inc. Date Issued 4/3/2003, Answer Due  
5/5/2003 Scheduling Conference set for 6/10/2003 at 01:30 PM at Courtroom, 1132  
Bishop Street, 3rd Floor, Honolulu, Hawaii. (Attorney, MVA)

**Attention!!** Submitting this screen commits this transaction. You will have no further opportunity to  
modify this submission if you continue.

**Step 23:** Read over the final docket text. If it is not correct, you must use your back browser button to go back to the screen where incorrect information was entered, make the necessary change and then continue the process until you get to this screen again. You cannot edit the text of the docket entry by deleting text and replacing it in this screen.

Click on **Next** if the text is correct.

Note! If you owe filing fees at this point, you will get a screen showing the accumulated charges and will be asked whether you wish to pay the charges now or later. Follow the directions to pay the fees if you wish to do so at this time. If you do not get the payment screen, you will get the **Notice of Electronic Filing** screen.

**Complaint/Summons:**

[03-70016 Long et al v. Central Pacific Airlines, Inc.](#)

U.S. Bankruptcy Court

District of Hawaii

Notice of Electronic Filing

The following transaction was received from Attorney, MVA entered on 4/9/2003 at 9:14 AM HST and filed on 4/9/2003

**Case Name:** Long et al v. Central Pacific Airlines, Inc.

**Case Number:** [03-70016](#)

**Document Number:** [2](#)

**Docket Text:**

Summons and Notice of Scheduling Conference in an Adversary Proceeding - Summons Issued on: Central Pacific Airlines, Inc. Date Issued: 4/3/2003, Answer Due 5/5/2003 Scheduling Conference set for 6/10/2003 at 01:30 PM at Courtroom, 1132 Bishop Street, 3rd Floor, Honolulu, Hawaii. (Attorney, MVA)

The following document(s) are associated with this transaction:

**Congratulations!:** You have opened a new adversary proceeding and have issued and docketed the summons for that proceeding. It is now time to serve the complaint and summons on the appropriate parties.